



SIDLEY AUSTIN LLP  
787 SEVENTH AVENUE  
NEW YORK, NY 10019  
+1 212 839 5300  
+1 212 839 5599 FAX

AMERICA • ASIA PACIFIC • EUROPE

MLEVY@SIDLEY.COM  
+1 212 839 7341

May 31, 2019

**By ECF**

The Honorable Ann M. Donnelly  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Chambers N 415  
Brooklyn, NY 11201

Re: United States v. Huawei Technologies Co., Ltd., et al., 18 CR 457 (S-2)(AMD)

Dear Judge Donnelly:

Huawei Technologies Co., Ltd. and Huawei Device USA Inc. (collectively, the “Huawei Defendants”) respectfully request an extension of the deadline to oppose the Government’s motion to disqualify James Cole until after the Court has ruled on the Huawei Defendants’ motion to review the redactions in the Government’s disqualification motion. Such an extension is necessary to allow the Huawei Defendants to address their opposition to whichever form of the Government’s motion the Court ultimately orders the defendants to be supplied. Because the Court may rule after (or shortly before) the current deadline, the Huawei Defendants propose that their deadline for opposing the Government’s disqualification motion be adjourned either *sine die* or until 30 days after the Court issues its ruling. The Government takes no position on this request.

As background, on May 2, 2019, the Government notified the Court that it had filed with the Court Information Security Officer a sealed classified motion to disqualify James M. Cole as counsel for the Huawei Defendants. (Dkt. No. 49.) On May 10, 2019, the Government publicly filed a redacted, unclassified version of its motion. (Dkt. No. 50.) On May 13, 2019, the Court set June 13, 2019, as the deadline for the Huawei Defendants to respond to the Government’s motion.

Because the Government’s motion was redacted so extensively that it completely concealed the factual basis for the Government’s motion, the Huawei Defendants moved on May 17, 2019, for the Court to review the Government’s redactions and order them lifted to the maximum extent possible. (Dkt. No. 51.) On May 20, 2019, the Court ordered the Government to respond to the Huawei Defendants’ motion by June 3, 2019; *i.e.*, just ten days before the Huawei Defendants’ deadline to oppose the disqualification motion.

The Court’s resolution of the Huawei Defendants’ motion to review redactions will determine how much of the Government’s basis for its disqualification motion the Huawei Defendants are permitted to know. Thus, the Court’s ruling will have a significant impact on

# SIDLEY

Page 2

the substance of the Huawei Defendants' opposition. Accordingly, the Huawei Defendants respectfully request that their deadline to oppose the Government's disqualification motion be adjourned either *sine die* or until 30 days after the Court issues its ruling. This is the Huawei Defendants' first request to extend this deadline, and the Government takes no position.

Respectfully submitted,

/s/ Michael A. Levy  
Michael A. Levy  
James. M. Cole  
SIDLEY AUSTIN LLP  
787 Seventh Avenue  
New York, NY 10019  
Tel: 212-839-7341  
Email: mlevy@sidley.com

/s/ David Bitkower  
David Bitkower  
JENNER & BLOCK LLP  
1099 New York Avenue, NW  
Washington, D.C. 20001  
Tel: 202-639-6048  
Email: dbitkower@jenner.com

*Counsel for Defendants Huawei Technologies Co., Ltd. and Huawei Device USA, Inc.*